

SB 66--MAKE SOME 3RD AND ALL 4TH OFFENSES A FELONY AND MANDATE IGNITION INTERLOCK DEVICES

	Assumptions	County Est. Cost	State Est. Cost
District Attorney:			
a	Estimated number of additional felony cases (OWI 4th = 125 and 75% of OWI 3rd = 225) :	350	
b	Need additional legal clerks to process case load at \$59,920 per legal clerk	2	\$119,840
b	Operating expenses for additional staff	\$2,080	\$4,160
c	Miscellaneous expenditures (postage, supplies, files, etc)	\$2,500	\$2,500
	Additional records management charges (50 page/file at \$0.30 per page)	\$0.30	\$5,250
d	Need additional asst district attorneys to process case load at \$75,000 per assist D.A.	2	\$150,000
	Total Estimated Cost for District Attorney and State	\$131,750	\$150,000
Courts:			
e	Additional Criminal Traffic Branches needed based on case load:	1.00	
f	2009 Budgeted Cost for 5 Criminal Traffic Branches	\$2,944,550	
f	2009 Budgeted Cost for 1.5 Court Commissioners and 0.45 Court Reporters	\$249,045	
f	Average Cost per Criminal Traffic Branch	\$638,719	
	Cost increase for additional Criminal Traffic Branches		\$638,719
	Additional State resources needed to process case load		
e	Additional number of judges needed at \$165,000 per judge	1.0	\$165,000
e	Additional number of court reporters needed at \$54,200 per court reporter	1.0	\$54,200
g	Loss in Fine Revenue due to Ignition Interlock Devices		
h	2008 sentenced OWI 2nd = 501 (Assume 60% of OWI 2nds would get ignition interlock device)	300.6	
	2008 sentenced OWI 3rd = 299	299.0	
	2008 sentenced OWI 4th = 123	123.0	
	Estimated Total number of Ignition Interlock Devices	722.6	
i	Percent of people unable to pay for ignition interlock device	20%	
	50% of Court Costs (total cost is \$20)	\$10	-\$1,445
	50% of fine amount (fine assumed at \$350)	\$175	-\$10,521
	50% of fine amount (fine assumed at \$600)	\$300	-\$25,320
			-\$26,765
	Total On-going Cost for Circuit Courts	\$665,484	\$219,200
Sheriff:			
	Assume that sentencing practices would not change so jail days would not change		
	Total Estimated On-going Costs	\$797,234	\$369,200

General Assumptions

Note: If the state does not provide additional state staff, the County will not provide additional support staff.

Note: This does not take into consideration the costs associated with other related charges such as operating a vehicle after revocation. This also does not take into consideration additional revenue that the county could receive from those charges.

Note: This does not take into consideration additional jail days or judicial/District Attorney workload to address violations that could occur if an offender tampers with an ignition interlock device.

Note: This does not assume the implementation of sobriety check points which could increase the number of drunk driving offenses.

Note: This does not assume a change in the prohibited blood alcohol content level.

Note: This does not include changes in any CJCC or Health and Human Services programming which currently serve 3rd and 4th OWI offenses.

Note: This assumes that Judges will not significantly change existing sentencing practices which appear to exceed the proposed minimums at this time. If the legislature proposes significant changes to the minimum sentence from the currently proposed legislation, that may not hold true.

Note: Costing does not include one-time capital costs to renovate existing space for additional courtrooms or to accommodate additional people for the District Attorney or Circuit Court Services.

a Estimated number of cases is based 100% of sentenced 2008 OWI 4ths being felonies and 75% of sentenced OWI 3rds being classified as felonies. The estimated number of felonies is based on the number of felonies sentenced in 2008. This is a conservative estimate recognizing that there would be more people with charges than those sentenced. Please note that sentenced individuals were used to determine judicial and district attorney need which is not correct as their need should be based on the number of case filings. However, given limited data available, this was the best way to determine the volume of cases that could be impacted by this legislation.

a SB 66 requires all 4th OWI offenses to become a felony and requires 3rd OWI offenses to become a felony if the person has a 3rd OWI related conviction, suspension, or revocation within a five year period. Departments do not have statistical information to determine how many individuals would fall into that category so 75% of 3rds are allocated to the felony status based on professional opinions.

(over)

District Attorney Assumptions

- b Assumes that the state is going to provide computers and technology support for additional District Attorney staff.
- c The department would incur additional records management costs because they image felony cases. The department reduces the felony case size prior to the imaging process but it is estimated that each felony case is approximately 50 pages long.
- d DA Weighted Caseload Formula = $350 \text{ new felonies} \times 8.5 \text{ hours} / 1,227 \text{ hours a year} = 2.4 \text{ additional ADAs}$
DA Weighted Caseload Formula = $-350 \text{ criminal traffic cases} \times 1.7 \text{ hours} / 1,227 \text{ hours a year} = -0.47 \text{ additional ADAs}$

Circuit Court Assumptions

- e Judicial Need Calculation = $350 \text{ new felony cases} \times 163 \text{ minutes per case} / 75,096 \text{ judicial minutes per year} = 0.8 \text{ additional judges}$ (judicial weight information is provided by the director of state courts information)
- e Judicial Need Calculation = $-350 \text{ cases} \times 47.60 \text{ minutes per case} / 75,096 \text{ judicial minutes per year} = -0.2 \text{ additional judges}$
- e Judicial Need for this law appears to be less than one judge. However, the state does not provide partial judicial appointments so 1.0 judge was assumed.
- e Judges are paid for by the state. Each judge is provided with a court reporter who is also paid for by the state. Compensation includes benefit costs and are an estimate. Please note that judicial need could also be partially addressed through additional court commissioners which are paid for by the County. It is assumed that the State would pay for the additional judicial need.
- f The average cost per criminal branch is the budgeted cost + 1.5 Court Commissioners who provide criminal traffic support + 0.30 court reporters / the current number of criminal branches. This would include additional staff needed for the increase in the number of court branches.
- f Assumes that the state is going to provide computers and technology support for additional Circuit Court Services staff.
- g Per the proposed legislation, an ignition interlock device is ordered on all third offense cases or on cases where a person has a second conviction, suspension or revocation for OWI within any period and had an alcohol concentration of 0.16 or greater at the time of the current offense. It is assumed that 60% of second offenses would fall into that category as blood alcohol levels are not available.
- h Per the proposed legislation, if the court orders the installation of ignition interlock devices, the court must determine the income of the violator. If the violator's income is less than the income limit for the Wisconsin Works program, the fine amount must be reduced to allow the individual to pay for the ignition interlock device. It is uncertain how many people would qualify for a reduced fine so 20% was assumed. It is uncertain if circuit court staffing would need to be increased to accommodate the additional work. Health and Human Services estimates that it takes their staff approximately 30 minutes to complete an income evaluation and uses prior year tax returns for that determination.
- i The County would receive 50% of the court costs associated with the fines and 50% of the fine amount which would offset some of the additional expense that the county would incur. Assuming 20% would need to have the fine amount waived to pay for the ignition interlock device.